



SPECIALIST PROSECUTOR'S OFFICE
ZYRA E PROKURORIT TË SPECIALIZUAR
SPECIJALIZOVANO TUŽILAŠTVO

In: KSC-BC-2020-06
Specialist Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi

Before: Trial Panel II
Judge Charles L. Smith, III, Presiding Judge
Judge Christoph Barthe
Judge Guénaél Mettraux
Judge Fergal Gaynor, Reserve Judge

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Prosecutor's Office

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Public redacted version of 'Prosecution sixth motion for admission of evidence pursuant to Rule 155 and related request

with confidential Annexes 1-7'

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I. INTRODUCTION

1. Pursuant to Articles 37 and 40 of the Law,¹ and Rules 118, 137-138 and 155 of the Rules,² the Specialist Prosecutor's Office ('SPO') hereby seeks: (i) addition of one prior statement of W02135 to the exhibit list; and (ii) admission of the statements,³ together with associated exhibits and/or other written records where applicable,⁴ of six witnesses: W00200,⁵ W00207,⁶ W00490,⁷ W00778,⁸ W00025⁹, and W02135¹⁰ (collectively, 'Rule 155 Witnesses').

2. The Proposed Evidence should be admitted because: (i) the Rule 155 Witnesses are unavailable;¹¹ and (ii) the Proposed Evidence is relevant, *prima facie* authentic, and reliable, and has probative value, which is not outweighed by any prejudice.¹² As these admissibility criteria are satisfied, admission is in the interests of justice.¹³

3. Attached to this Motion are seven Annexes. Annexes 1-6, one for each of the Rule 155 Witnesses, contain a table identifying the Proposed Evidence for that witness, which includes the Rule 155 Statement¹⁴ and, where applicable, tendered associated

¹ Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law'). All references to 'Article(s)' are to the Law, unless otherwise specified. The Panel granted a 1,000 word extension for purposes of this motion. *See* Transcript, 17 September 2024, p.19763.

² Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). Unless otherwise indicated, all references to 'Rule(s)' are to the Rules.

³ The account of each witness tendered for admission is the 'Rule 155 Statement'.

⁴ *See* Annexes 1-6. The Rule 155 Statements and, where applicable, associated exhibits/other written records for each witness are the 'Proposed Evidence.'

⁵ *See* Annex 1, items 1-3. The annexes are numbered consistently with the order in which the witnesses are discussed in this motion.

⁶ *See* Annex 2, items 1-3.

⁷ *See* Annex 3, items 1-2.

⁸ *See* Annex 4, items 1-2.

⁹ *See* Annex 5, items 1-4.

¹⁰ *See* Annex 6, items 1-40.

¹¹ Rule 155(1)(a).

¹² Rules 137-138, 155(1)(b).

¹³ The applicable law has been set out in prior submissions and decisions in this case. *See e.g.* Decision on Prosecution Motion for Admission of Evidence pursuant to Rule 155, KSC-BC-2020-06/F01603, 14 June 2023, Confidential ('First Decision'), paras 10-19.

¹⁴ As indicated in the Annexes, where an audio-video recording exists, the SPO also tenders it along with the relevant written statement pursuant to the Trial Panel's fourth oral order of 15 January 2024,

exhibits and/or other written records.¹⁵ Annex 7 contains the documents supporting the unavailability of the Rule 155 Witnesses.

II. SUBMISSIONS

4. The Rule 155 Witnesses are unavailable since they are deceased, as confirmed by the supporting proof of death documents presented in Annex 7. Accordingly, Rule 155(1)(a) is satisfied and the Proposed Evidence should be admitted as it also satisfies the admissibility criteria under Rules 137-138 and 155(1)(b).

5. Considering available counterbalancing factors and the ability of the Defence to challenge the Proposed Evidence,¹⁶ there is the opportunity for a fair and proper assessment. At the end of the trial, and in considering the weight to be assigned, relevant factors include whether – as here – the statement of an unavailable witness corroborates or is corroborated by: (i) statements of other witnesses about the same events; (ii) documentary evidence; (iii) evidence of similar acts; and/or (iv) evidence of a consistent pattern of conduct.¹⁷

6. Further, as the Panel recalled in previous decisions,¹⁸ evidence going to proof of the Accused's acts and conduct is admissible under Rule 155. Even where the Defence suggests that certain evidence is uncorroborated, it should not be excluded at

Transcript, 15 January 2024, p.11022. *See also* Decision on Prosecution Third Motion for Admission of Evidence pursuant to Rule 155, KSC-BC-2020-06/F02013, 15 December 2023 ('Third Decision'), para.65(e); Decision on Prosecution Second Motion for Admission of Evidence pursuant to Rule 155, KSC-BC-2020-06/F01864, 17 October 2023, Confidential ('Second Decision'), para.97(d).

¹⁵ For each item, the Annexes provide a description, date of the document, relevant ERNs, and indicia of reliability, or relevance. *See* First Decision, KSC-BC-2020-06/F01603, paras 62-64, 101 (setting out indicia of authenticity and reliability).

¹⁶ *See* ECtHR, *Schatschaschwili v. Germany* [GC], 9154/10, Judgment, 15 December 2015 ('*Schatschaschwili* Judgment'), paras 126-131.

¹⁷ *See e.g.* ICTY, *Prosecutor v. Popović et al.*, IT-05-88-A, Judgment, 30 January 2015, para.104; *Schatschaschwili* Judgment, para.128.

¹⁸ First Decision, KSC-BC-2020-06/F01603, paras 15, 116; Second Decision, KSC-BC-2020-06/F01864, para.41; Third Decision, KSC-BC-2020-06/F02013, para.54; Decision on Prosecution Fourth Motion for Admission of Evidence pursuant to Rule 155, KSC-BC-2020-06/F02283, 3 May 2024 ('Fourth Decision'), paras 14, 51, 66.

the point of a Rule 155 decision, but should instead be considered at the end of trial in light of the entire evidentiary record.¹⁹ Similarly, the absence of an opportunity for the Defence to confront a witness whose evidence is tendered through Rule 155 does not bar its admission, but is a factor that goes to the assessment of the weight of this evidence.²⁰ Discrepancies and contradictions between accounts of the same and/or different witnesses are matters pertaining to the weight of the evidence, and do not *per se* render the evidence inadmissible.²¹

A. RAHOVEC/ORAHOVAC

7. The evidence of W00200, W00207 and W00490 is relevant to prove the charges in the Indictment related to Rahovec/Orahovac in June 1999.²²

1. W00200

8. *Relevance.* W00200, now deceased,²³ was a Kosovar-Serb who lived in Rahovec/Orahovac together with her retired husband Svetislav GRKOVIĆ.²⁴ On 16

¹⁹ First Decision, KSC-BC-2020-06/F01603, paras 86, 88, 137; Second Decision, KSC-BC-2020-06/F01864, para.46; Third Decision, KSC-BC-2020-06/F02013, para.33; Fourth Decision, KSC-BC-2020-06/F02283, para.14. *See, similarly*, ICTY, *Prosecutor v. Popović et al.*, IT-05-88-T, Decision on Prosecution Motion for Admission of Evidence Pursuant to Rule 92 *quater*, 21 April 2008, paras 52-53, 62. For purposes of considering the reliability of the statement, as well as of other corroborative evidence, the whole statement should be admitted, including any specific allegations contained therein (even those that go to the acts and conduct of the Accused) that are not corroborated. *See e.g.* ICTY, *Prosecutor v. Popović et al.*, IT-05-88-T, Decision on Gvero's Motion for the Admission of Evidence Pursuant to Rule 92 *quater*, 3 February 2009, para.31; ICTY, *Prosecutor v. Popović et al.*, IT-05-88-T, Redacted Version of 'Decision on Behalf of Drago Nikolić Seeking Admission of Evidence Pursuant to Rule 92 *quater*', 19 February 2009, paras 47-50.

²⁰ Second Decision, KSC-BC-2020-06/F01864, paras 11, 72; Third Decision, KSC-BC-2020-06/F02013, paras 12, 30; Fourth Decision, KSC-BC-2020-06/F02283, para.66.

²¹ Second Decision, KSC-BC-2020-06/F01864, paras 83, 92; Third Decision, KSC-BC-2020-06/F02013, paras 13, 27, 51, 55; Fourth Decision, KSC-BC-2020-06/F02283, para.54.

²² Amended Indictment, KSC-BC-2020-06/F00999/A01, 30 September 2022, Confidential ('Indictment'), paras 59-61, 96-98, 129-131, 136-138, 169-171; Annex 3 to Prosecution Submission of Updated Witness List and Confidential Lesser Redacted Version of Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, 9 June 2023, Confidential ('Pre-Trial Brief'), paras 634-641.

²³ Annex 7, item 1: 112194-112195-ET Revised.

²⁴ Annex 1, item 1: 093391-093400-ET RED, p.093393; item 2: 000207-000209-ET RED, p.000208.

June 1999, around noon, Mahmut UKSHINI/UKŠINI,²⁵ FNU CENA²⁶ and three other individuals came to her house, all carrying automatic weapons and dressed in KLA uniforms.²⁷ Mahmut UKSHINI/UKŠINI seized a rifle from Svetislav GRKOVIĆ²⁸ but refused to issue a receipt.²⁹ The KLA members informed Svetislav GRKOVIĆ that, in order to receive such receipt, he should go with them.³⁰ He was then put in a car.³¹ W00200 saw her neighbours, Tihomir MILJKOVIĆ and Marko VITOSEVIĆ, being ordered to get into the same car.³² The three men were then driven away by Afrim BALA.³³ W00200 never saw her husband again.³⁴

9. On the same day, W00200 reported the disappearance of the three men to KFOR.³⁵ On 17 June 1999, W00200 met with Muhamed BALA, father of Afrim BALA, who told her that her husband was taken to the KLA Headquarters in Prizren.³⁶ On 28 June 1999, W00200's house and her son's house were looted and torched.³⁷ Two months later, Tihomir MILJKOVIĆ visited Rahovec/Orahovac and told his family that he had been kidnapped together with Svetislav GRKOVIĆ, Marko VITOSEVIĆ and Cvetko (aka "Peko") PELEVIĆ.³⁸ He said that he had escaped near Brestovac/Brestoc, on the road between Rahovec/Orahovac and Prizren. He confirmed that Peko

²⁵ 093391-093400-ET RED, p.093393; 000207-000209-ET RED, p.000208.

²⁶ Annex 1, item 3: 093391-093400-ET RED, p.093398.

²⁷ 093391-093400-ET RED, p.093393; 000207-000209-ET RED, p.000208; 093391-093400-ET RED, p.093398.

²⁸ 093391-093400-ET RED, pp.093393, 093398; 000207-000209-ET RED, p.000208.

²⁹ 093391-093400-ET RED, p.093393.

³⁰ 000207-000209-ET RED, p.000208; 093391-093400-ET RED, p.093398.

³¹ 093391-093400-ET RED, p.093393; 000207-000209-ET RED, p.000208.

³² 093391-093400-ET RED, p.093393; 000207-000209-ET RED, p.000208; 093391-093400-ET RED, p.093398.

³³ 093391-093400-ET RED, p.093393; 000207-000209-ET RED, p.000208; 093391-093400-ET RED, p.093398.

³⁴ 093391-093400-ET RED, p.093393; 000207-000209-ET RED, p.000208.

³⁵ 000207-000209-ET RED, p.000209; 093391-093400-ET RED, pp.093393, 093398.

³⁶ 000207-000209-ET RED, p.000208.

³⁷ 093391-093400-ET RED, p.093394; 000207-000209-ET RED, p.000209.

³⁸ 093391-093400-ET RED, p.093393. That the Peko PELEVIĆ referred to in the witness's evidence is charged murder victim Cvetko PELEVIĆ is confirmed by the witness's evidence. *See* Annex 2, item 1: 007613-TR-ET Part 1 RED2, p.10; and item 3: U000-0017-U000-0021, p.U000-0018.

PELEVIĆ was murdered, but he did not know what had happened with Svetislav GRKOVIĆ or Marko VITOSEVIĆ.³⁹ Svetislav GRKOVIĆ's remains were never recovered. W00200 left Rahovec/Orahovac on 2 November 1999.⁴⁰

10. *Authenticity and reliability.* W00200's Proposed Evidence, with an individualised explanation of circumstances militating for *prima facie* reliability, is listed in Annex 1. The Proposed Evidence consists of (i) minutes of the hearing conducted before the Investigating Judge of the Belgrade District Court on 8 December 1999; (ii) minutes of the hearing conducted before the Investigating Judge of the Belgrade District Court on 29 May 2000; and (iii) a statement of W00200 to the Ministry of Interior of the Republic of Serbia ('MUP') given on 16 March 2001. In her statements given before the investigating judge (items (i) and (ii)), W00200 was duly advised of her rights and obligations as a witness.⁴¹ All statements clearly indicate the date, time and place of the interviews, as well as persons present, and are signed by W00200 and/or by the official conducting the interview.⁴²

11. *Fairness.* The probative value of W00200's Proposed Evidence is not outweighed by any prejudice. The evidence (i) does not go to proof of the acts and conduct of the Accused;⁴³ (ii) may not be relied upon to a sole or decisive extent in reaching a conviction;⁴⁴ (iii) was recorded in a manner—including by different law enforcement bodies and at different times—that enables the Parties and Panel to assess the witness's credibility; (iv) is consistent with, and corroborated by, statements and associated exhibits of other witnesses in the case,⁴⁵ some of whom the Defence had the

³⁹ 093391-093400-ET RED, p.093393.

⁴⁰ 093391-093400-ET RED, p.093393.

⁴¹ 093391-093400-ET RED, p.093392; 000207-000209-ET RED, p.000207.

⁴² See 093391-093400-ET RED, pp.093392, 093394, 093398; 000207-000209-ET RED, pp.000207, 000209.

⁴³ Cf. Rule 155(5).

⁴⁴ Rule 140(4)(a).

⁴⁵ See particularly statements and associated exhibits of witnesses W01163 (009819-TR-ET Part 1-4 RED2), W00207 (SITF00408985-SITF00408986-ET, 007613-TR-ET Parts 3 and RED), and W00490 (088748-088749-ET RED; 088746-088747-ET RED; SPOE00298658-00298659).

opportunity to cross-examine.⁴⁶ Further, the Defence is aware of the witness's identity, may investigate the witness, her motives and credibility, and has the opportunity to challenge the Proposed Evidence at trial and put forward its own version of events.

2. W00207

12. *Relevance.* W00207, a Montenegrin, now deceased,⁴⁷ was living in Ćiflak, Rahovec/Orahovac municipality, with her husband Cvetko PELEVIĆ in June 1999.⁴⁸ PELEVIĆ, who had worked as the manager of a company, was retired at the time.⁴⁹ W00207 describes how immediately after the withdrawal of Serbian forces, armed and uniformed KLA members appeared in the area.⁵⁰

13. On 16 June 1999, four armed men in black uniforms with KLA insignia arrived at the PELEVIĆ family's house.⁵¹ W00207 recognised Afrim BALA among them.⁵² They forced Cvetko PELEVIĆ into the house while W00207 was made to stay on the terrace.⁵³ The KLA members beat Cvetko PELEVIĆ and demanded him to hand over his weapons.⁵⁴ He was then taken at gunpoint to the car and driven to the Rahovec/Orahovac Fire Department for questioning.⁵⁵ A few hours later, W00207 witnessed the abduction of her neighbour, Svetislav (aka "Sveta") GRKOVIĆ, by another KLA group.⁵⁶ A few days after the incident, W00207 moved to the Serbian enclave in Rahovec/Orahovac,⁵⁷ where she heard about the abduction of Panta

⁴⁶ W01163. *See also* W02153, W00208.

⁴⁷ Annex 7, item 2: 112213-112214-ET Revised.

⁴⁸ Annex 2, item 1: 007613-TR-ET Part 1 RED2, pp.4, 12; item 3: U000-0017-U000-0021, p.U000-0018.

⁴⁹ 007613-TR-ET Part 1 RED2, pp.9, 13.

⁵⁰ 007613-TR-ET Part 1 RED2, pp.19-23; U000-0017-U000-0021, p.U000-0018.

⁵¹ 007613-TR-ET Part 3 RED, p.8; U000-0017-U000-0021, p.U000-0018.

⁵² 007613-TR-ET Part 1 RED2, p.11; 007613-TR-ET Part 3 RED, pp.9-11; U000-0017-U000-0021, p.U000-0018.

⁵³ 007613-TR-ET Part 3 RED, p.4; U000-0017-U000-0021, p.U000-0019.

⁵⁴ 007613-TR-ET Part 3 RED, pp.6-7; U000-0017-U000-0021, p.U000-0019.

⁵⁵ 007613-TR-ET Part 3 RED, p.12; U000-0017-U000-0021, p.U000-0019.

⁵⁶ 007613-TR-ET Part 3 RED, pp.23-25, 31-32.

⁵⁷ 007613-TR-ET Part 3 RED, pp.16, 22, 32-34; U000-0017-U000-0021, p.U000-0020.

GRKOVIĆ, Marko VITOŠEVIĆ, Tihomir MILJKOVIĆ, and Mile MILIĆ.⁵⁸ W00207 never saw her husband again.⁵⁹

14. *Authenticity and reliability.* W00207's Proposed Evidence, with an individualised explanation of circumstances militating for *prima facie* reliability, is listed in Annex 2 to this application. W00207's SITF interview, which was audio-video recorded,⁶⁰ was conducted on 10-11 December 2013 with an interpreter understood by the witness, who was duly advised of her rights and obligations as a witness.⁶¹ The date, time and place of the interview, as well as all persons present, are reflected in the record of the interview.⁶² Additionally, W00207 confirmed the content of the statement as true and accurate, that her statement was given voluntarily without any threats, force, or guarantees, and that she had no objections to the manner or process by which the statement was taken.⁶³

15. The ICTY statement bears similar indicia of authenticity and reliability. It is signed by the witness and other participants,⁶⁴ contains all relevant warnings and witness's acknowledgments,⁶⁵ was conducted with an interpreter understood by the witness,⁶⁶ is dated and is recorded on the official ICTY interview template. The consistency of the Proposed Evidence – considered together and with corroborating evidence – further demonstrates its reliability.

16. *Fairness.* The probative value of W00207's Proposed Evidence is not outweighed by any prejudice. The evidence (i) does not go to proof of the acts and

⁵⁸ 007613-TR-ET Part 3 RED, pp.29-31.

⁵⁹ 007613-TR-ET Part 4 RED, p.10; U000-0017-U000-0021, p.U000-0020.

⁶⁰ Annex 2, item 2: 007613b Parts 1-5 RED.

⁶¹ 007613-TR-ET Part 1 RED2, pp.1-2, 5.

⁶² 007613-TR-ET Part 1 RED2, p.1; 007613-TR-ET Part 2, p.1; 007613-TR-ET Part 3 RED, p.1; 007613-TR-ET Part 4 RED, p.1.

⁶³ 007613-TR-ET Part 4 RED, pp.20-21.

⁶⁴ U000-0017-U000-0021 (all pages).

⁶⁵ U000-0017-U000-0021, pp.U000-0018, U000-0020.

⁶⁶ U000-0017-U000-0021, p.U000-0021.

conduct of the Accused; (ii) was recorded in a manner – including by different law enforcement bodies and at different times over the course of several years – that enables the Parties and Panel to assess the witness’ demeanour and credibility;⁶⁷ (iii) is consistent with, and corroborated by, statements of other witnesses in the case,⁶⁸ including witnesses who were available for cross-examination by the Defence.⁶⁹ Further, the Defence is aware of the witness’s identity, may investigate the witness, his motives and credibility, and has the opportunity to challenge the Proposed Evidence at trial and put forward its own version of events.

3. W00490

17. *Relevance.* W00490, now deceased,⁷⁰ was a Kosovar Serb who was residing in Rahovec/Orahovac after the arrival of KFOR troops.⁷¹ On 16 June 1999, armed KLA members broke into W00490’s house and demanded that he turn over his weapons, after which he was arrested.⁷² W00490’s neighbours, Marko VITOŠEVIĆ and Svetislav (aka “Sveta”) GRKOVIĆ, were arrested thereafter, and their weapons were confiscated.⁷³ W00490 and his neighbours were taken to the KLA Headquarters located in the fire brigade in Rahovec/Orahovac.⁷⁴ They were thrown in a bathroom where Cvetko (aka “Peka”) PELEVIĆ was lying on the floor, “half dead”.⁷⁵ W00490 and other detainees were then beaten with ceramic tiles and a wooden stick, during which time W00490 lost consciousness.⁷⁶ When he regained consciousness, he was covered in blood and Marko VITOŠEVIĆ was lying on the floor, beaten.⁷⁷ When

⁶⁷ In this respect, the SITF interview – during which the witness also discussed the other relevant Proposed Evidence – was audio-video recorded. *See* Annex 2, item 2.

⁶⁸ *See e.g.* W00490, W01163 and W00200.

⁶⁹ W01163. *See also* W02153, W00208.

⁷⁰ Annex 7, item 3: 112164-112165-ET Revised.

⁷¹ Annex 3, item 1: 088748-088749-ET RED, p.088748.

⁷² 088748-088749-ET RED, p.088748; Annex 3, item 2: 088746-088747-ET RED, p.088747.

⁷³ 088748-088749-ET RED, p.088748; 088746-088747-ET RED, p.088747.

⁷⁴ 088748-088749-ET RED, p.088748; 088746-088747-ET RED, p.088747.

⁷⁵ 088748-088749-ET RED, p.088748; *see also* 088746-088747-ET RED, p.088747.

⁷⁶ 088748-088749-ET RED, p.088748; 088746-088747-ET RED, p.088747.

⁷⁷ 088748-088749-ET RED, p.088748.

W00490 touched PELEVIĆ's arm and leg, he realised that PELEVIĆ was dead.⁷⁸ That same night, W00490, GRKOVIĆ, VITOSEVIĆ, and PELEVIĆ's dead body were placed in a van and driven towards Brestovac/Brestoc hill.⁷⁹ The vehicle stopped and while the KLA members were disposing of PELEVIĆ's body, W00490 took the opportunity to escape.⁸⁰ While hiding, W00490 heard two shots from the direction of the vehicle.⁸¹ W00490 then hid for a day in the forest and managed to get to Prizren during the night.⁸² W00490 spent four months at the Seminary in Prizren before joining his family in Serbia.⁸³

18. *Authenticity and reliability.* W00490's Proposed Evidence, with an individualised explanation of circumstances militating for *prima facie* reliability, is listed in Annex 3. W00490's 30 January 2002 interview given before the MUP, was conducted by a duly authorised official on the basis of the relevant legal provisions.⁸⁴ The statement was signed by both the witness and the MUP representative.⁸⁵ The date and place of the interview are reflected in the record.⁸⁶ The statement contains an acknowledgment of the witness as to the accuracy of his account.⁸⁷ The 3 November 2000 statement was taken before the investigative judge of the Kragujevac District Court,⁸⁸ where W00490 acknowledged his duty to tell the truth, was warned about the consequences of giving false testimony, and confirmed that he had no objections to the manner or process by which the statement was taken.⁸⁹ The statement bears the

⁷⁸ 088748-088749-ET RED, p.088748; 088746-088747-ET RED, p.088747.

⁷⁹ 088748-088749-ET RED, p.088749; 088746-088747-ET RED, p.088747.

⁸⁰ 088748-088749-ET RED, p.088749; 088746-088747-ET RED, p.088747.

⁸¹ 088748-088749-ET RED, p.088749; 088746-088747-ET RED, p.088747.

⁸² 088748-088749-ET RED, p.088749.

⁸³ 088748-088749-ET RED, p.088749.

⁸⁴ 088748-088749-ET RED, pp.088748-088749.

⁸⁵ 088748-088749-ET RED, p.088749.

⁸⁶ 088748-088749-ET RED, p.088748.

⁸⁷ 088748-088749-ET RED, p.088749.

⁸⁸ 088746-088747-ET RED, pp.088748-088749.

⁸⁹ 088746-088747-ET RED, pp.088748- 088749.

official stamp and header of the court, as well as signatures of court officials and the witness.⁹⁰

19. *Fairness.* The probative value of W00490's Proposed Evidence is not outweighed by any prejudice. Indeed, this evidence (i) does not go to proof of the acts and conduct of the Accused; (ii) may not be relied upon to a sole or decisive extent in reaching a conviction; (iii) is consistent with, and corroborated by, statements of other witnesses in the case,⁹¹ including witnesses who were available for cross-examination by the Defence.⁹² Further, the Defence is aware of the witness's identity, may investigate the witness, his motives and credibility, and has the opportunity to challenge the Proposed Evidence at trial and put forward its own version of events.

B. VĚRBAN/VRBAN

20. The evidence of W00778 is relevant to prove the charges in the Indictment related to Věrban/Vrban in June 1999.⁹³

4. W00778

21. *Relevance.* W00778, now deceased,⁹⁴ was a Kosovo Serb school principal living in [REDACTED] municipality in [REDACTED] 1999.⁹⁵ On [REDACTED], W00778 and his family fled the village.⁹⁶ As W00778 reached [REDACTED], he was stopped by Shaban SHAQIRI, who was armed and uniformed, with KLA insignia.⁹⁷ SHAQIRI handed W00778 over to two other armed KLA members in uniforms, Ramadan PIRA and Ilmi PIRA.⁹⁸ Ramadan PIRA and Ilmi PIRA covered W00778's head, tied his

⁹⁰ 088746-088747-ET RED, pp.088748- 088749.

⁹¹ See e.g. W00200, W00207 and W01163.

⁹² W01163. See also W02153, W00208.

⁹³ See Indictment, KSC-BC-2020-06/F00999/A01, paras 59-61, 86, 96-98, 124; Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, paras 601-613.

⁹⁴ Annex 7, item 4: 112206-112207-ET Revised.

⁹⁵ Annex 4, item 1: 005211-TR-ET Part 1 Revised RED, pp.3, 5.

⁹⁶ 005211-TR-ET Part 1 Revised RED, pp.19, 21.

⁹⁷ 005211-TR-ET Part 2 Revised, pp.4, 22-24.

⁹⁸ 005211-TR-ET Part 2 Revised, p.25.

hands, and beat him.⁹⁹ W00778 was informed that the reason for his detention was that his son was a policeman.¹⁰⁰

22. After being moved through several locations,¹⁰¹ W00778 was taken to a detention centre in Vërban/Vrban,¹⁰² where he was interrogated¹⁰³ and repeatedly mistreated, physically and psychologically, including the use of pliers to cut off his thumb.¹⁰⁴ Those interrogating and mistreating him wore uniforms.¹⁰⁵ During W00778's detention, a KLA commander was present at the location, and was aware of W00778's mistreatment.¹⁰⁶ W00778 was detained with other [REDACTED], who were also subjected to mistreatment.¹⁰⁷ W00778 was released on [REDACTED].¹⁰⁸

23. *Authenticity and reliability.* W00778's Proposed Evidence, with an individualised explanation of circumstances militating for *prima facie* reliability, is listed in Annex 4 to this application. W00778's interview, which was also audio-video recorded,¹⁰⁹ was conducted by the SITF on 17 July 2013 with an interpreter understood by the witness. W00778 was duly advised of his rights and obligations as a witness.¹¹⁰ The date, time and place of the interview, as well as all persons present, are reflected in the record of the interview.¹¹¹ Additionally, W00778 confirmed that the contents of his statement are true and accurate, that his statement was given voluntarily without

⁹⁹ 005211-TR-ET Part 3 Revised, pp.2-5.

¹⁰⁰ 005211-TR-ET Part 2 Revised, pp.26-27; 005211-TR-ET Part 4 Revised, p.4.

¹⁰¹ 005211-TR-ET Part 3 Revised, pp.2-3, 5-6.

¹⁰² 005211-TR-ET Part 3 Revised, pp.3, 9, 12.

¹⁰³ 005211-TR-ET Part 4 Revised, pp.3, 5-6.

¹⁰⁴ 005211-TR-ET Part 4 Revised, pp.9-13.

¹⁰⁵ 005211-TR-ET Part 4 Revised, pp.6-9.

¹⁰⁶ 005211-TR-ET Part 4 Revised, pp.13-15.

¹⁰⁷ 005211-TR-ET Part 4 Revised, pp.16-17; 005211-TR-ET Part 5 Revised, pp.2-4, 6, 10.

¹⁰⁸ 005211-TR-ET Part 5 Revised, p.1.

¹⁰⁹ See Annex 4, item 2: 005211b Parts 1-5.

¹¹⁰ 005211-TR-ET Part 1 Revised RED, p.2; 005211-TR-ET Part 2 Revised, pp.28-29.

¹¹¹ 005211-TR-ET Part 1 Revised RED, p.1; 005211-TR-ET Part 2 Revised, p.1; 005211-TR-ET Part 3 Revised, p.1; 005211-TR-ET Part 4 Revised, p.1; 005211-TR-ET Part 5 Revised, p.1.

any threats, force, or guarantees, and that he had no objections to the manner or process by which the statement was taken.¹¹²

24. *Fairness.* The probative value of the Proposed Evidence pertaining to W00778 is not outweighed by any prejudice. Indeed, this evidence (i) does not go to proof of the acts and conduct of the Accused; (ii) may not be relied upon to a sole or decisive extent in reaching a conviction;¹¹³ (iii) was recorded in a manner – including by audio-video recording – that enables the Parties and Panel to assess the witness’s demeanour and credibility; (iv) is consistent with, and corroborated by statements of other witnesses in the case,¹¹⁴ including witnesses who were available for cross-examination.¹¹⁵ Further, the Defence is aware of the witness’s identity, may investigate the witness, his motives and credibility, and has the opportunity to challenge the Proposed Evidence at trial and put forward its own version of events.

C. GJILAN/GNJILANE

25. The evidence of W00025 is relevant to prove the charges in the Indictment related to Gjilan/Gnjilane in June 1999.¹¹⁶

5. W00025

26. *Relevance.* W00025, now deceased,¹¹⁷ was a Serb and former military reservist living in Gjilan/Gnjilane in June 1999.¹¹⁸ On 24 June 1999, four armed KLA members

¹¹² 005211-TR-ET Part 5 Revised, pp.15-16.

¹¹³ Rule 140(4)(a).

¹¹⁴ See e.g. [REDACTED].

¹¹⁵ [REDACTED].

¹¹⁶ See Indictment, KSC-BC-2020-06/F00999/A01, paras 59-61, 92, 96-98, 133; Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, paras 665-674.

¹¹⁷ Annex 7, item 5: 112687-112688-ET RED.

¹¹⁸ Annex 5, item 1: 005402-TR-ET Part 1 Revised RED2, pp.8-10, 12-13, 15-16; 005402-TR-ET Part 2 Revised RED2, p.7; item 3: SITF00195535-SITF00195552-ET RED, p.4; item 4: 005400-005401-ET RED, p. 005400.

in camouflage uniforms and with KLA insignia,¹¹⁹ broke into W00025's house and demanded that he handed over his weapons.¹²⁰ W00025 was then pushed into a car and driven to the Dormitory in Gjilan/Gnjilane.¹²¹ Once inside the building, he was taken to the basement,¹²² where he was beaten and insulted by approximately ten KLA members.¹²³ W00025 was then moved to another room, where there was another Serb detainee who looked badly beaten.¹²⁴ W00025 was again subjected to psychological and physical abuse,¹²⁵ which included being forced to fight against the other detainee.¹²⁶ At some point, W00025's hands were tied and he was thrown out of a window and into the yard.¹²⁷ W00025 was then released to KFOR,¹²⁸ who escorted him home the next day.¹²⁹

27. *Authenticity and reliability.* W00025's Proposed Evidence, with an individualised explanation of circumstances militating for *prima facie* reliability, is

¹¹⁹ 005402-TR-ET Part 1 Revised RED2, pp.14-15, 17; 005402-TR-ET Part 2 Revised RED2, pp.30-31; 005402-TR-ET Part 3 Revised, p.18-19, 21-22; SITF00195535-SITF00195552-ET RED, pp.SITF00195538, SITF00195540; 005400-005401-ET RED, p.005400.

¹²⁰ 005402-TR-ET Part 2 Revised RED2, pp.26, 33-34; SITF00195535-SITF00195552-ET RED, p. SITF00195538.

¹²¹ 005402-TR-ET Part 2 Revised RED2, pp.26, 35-37; 005402-TR-ET Part 3 Revised, p.21; SITF00195535-SITF00195552-ET RED, pp. SITF00195538, SITF00195541-SITF00195542; 005400-005401-ET RED, p.005400.

¹²² 005402-TR-ET Part 2 Revised RED2, pp.41-42; 005402-TR-ET Part 3 Revised, p.1; SITF00195535-SITF00195552-ET RED, pp.SITF00195538, SITF00195542, SITF00195547.

¹²³ 005402-TR-ET Part 2 Revised RED2, pp.40, 43; 005402-TR-ET Part 3 Revised, pp.1-3, 5-6; SITF00195535-SITF00195552-ET RED, pp.SITF00195538, SITF00195542; 005400-005401-ET RED, p.005400.

¹²⁴ 005402-TR-ET Part 1 Revised RED2, pp.6-7; 005402-TR-ET Part 3 Revised, pp.6-7, 14-15; SITF00195535-SITF00195552-ET RED, pp.SITF00195538, SITF00195542-SITF00195543, SITF00195546; 005400-005401-ET RED, p.005400.

¹²⁵ 005402-TR-ET Part 3 Revised, pp.7-11, 13; SITF00195535-SITF00195552-ET RED, pp.SITF00195539, SITF00195543-SITF00195544, SITF00195546, SITF00195548, SITF00195550; 005400-005401-ET RED, p.005400.

¹²⁶ 005402-TR-ET Part 3 Revised, pp.7, 10-11, 22-23; SITF00195535-SITF00195552-ET RED, pp.SITF00195539, SITF00195550.

¹²⁷ 005402-TR-ET Part 3 Revised, pp.16, 20, 31-33; SITF00195535-SITF00195552-ET RED, p.SITF00195539; 005400-005401-ET RED, p.005400.

¹²⁸ 005402-TR-ET Part 3 Revised, pp.17, 20, 28, 32-33, 37; SITF00195535-SITF00195552-ET RED, pp.SITF00195539, SITF00195543-SITF00195544; 005400-005401-ET RED, p.005400.

¹²⁹ 005402-TR-ET Part 3 Revised, pp.24, 37-38, 40; SITF00195535-SITF00195552-ET RED, pp.SITF00195539, SITF00195544; 005400-005401-ET RED, p.05400.

listed in Annex 5 to this application. W00025's SITF interview, which was also audio-video recorded,¹³⁰ was conducted with an interpreter understood by the witness. W00025 was duly advised of his rights and obligations.¹³¹ The date, time and place of the interview, as well as all persons present, are reflected in the record of the interview.¹³² Additionally, W00025 confirmed that the contents of his statement are true and accurate, that his statement was given voluntarily without any threats, force, or guarantees, and that he had no objections to the manner or process by which the statement was taken.¹³³ During the SITF interview, W00025 confirmed his statement given to the MUP on 24 September 2001, and recognised his signature therein.¹³⁴ The statement was conducted by a duly authorised official, and the date and place of the interview are reflected in the record.¹³⁵

28. The statement dated 15 March 2011 was taken by a duly empowered judge within the framework of a judicial investigation in Belgrade.¹³⁶ The statement is signed by W00025 and other participants, and contains all relevant warnings and a witness acknowledgment.¹³⁷ The internal consistency of the Proposed Evidence further demonstrates its reliability.

29. *Fairness.* The probative value of W00025's Proposed Evidence is not outweighed by any prejudice. Indeed, the evidence (i) does not go to proof of the acts and conduct of the Accused; (ii) may not be relied upon to a sole or decisive extent in reaching a conviction; (iii) was recorded in a manner – including by different law enforcement bodies and at different times over the course of several years – that

¹³⁰ Annex 5, item 2: 005402b Parts 1-4 RED.

¹³¹ 005402-TR-ET Part 1 Revised RED2, pp.1-2, 4.

¹³² 005402-TR-ET Part 1 Revised RED2, p.1; 005402-TR-ET Part 2 Revised RED2, p.1; 005402-TR-ET Part 3 Revised, p.1; 005402-TR-ET Part 4 Revised RED2, p.1.

¹³³ 005402-TR-ET Part 4 Revised RED2, pp.13-14.

¹³⁴ 005402-TR-ET Part 2 Revised RED2, pp.12, 16-17.

¹³⁵ 005400-005401-ET RED, p.1.

¹³⁶ SITF00195535-SITF00195552-ET RED, pp.SITF00195535, SITF00195537.

¹³⁷ SITF00195535-SITF00195552-ET RED, pp.SITF00195535-SITF00195538.

enables the Parties and Panel to assess the witness' demeanour and credibility;¹³⁸ (iv) is consistent with, and corroborated by, statements of other witnesses in the case¹³⁹ some of whom the Accused have confronted through cross-examination.¹⁴⁰ Further, the Defence is aware of the witness's identity, may investigate the witness, his motives and credibility, and has the opportunity to challenge the Proposed Evidence at trial and put forward its own version of events.

D. W02135

30. W02135 was scheduled to testify pursuant to Rule 154.¹⁴¹ However, due to his passing,¹⁴² the SPO is now tendering his Rule 154 Statement¹⁴³ together with two other prior statements¹⁴⁴ pursuant to Rule 155.

31. *Relevance.* The Panel has already found that W02135's Rule 154 Statement is relevant to the charges in the Indictment.¹⁴⁵ Together with the other two prior statements now tendered as part of his Rule 155 Statement, W02135's Proposed Evidence concerns: (i) the organisation of the KLA and the PGoK; (ii) meetings W02135 attended with KLA members; (iii) information that W02135 received about

¹³⁸ In this respect, the SITF interview – during which the witness affirmed and discussed the other relevant Proposed Evidence – was audio-video recorded. *See* Annex 5, item 2.

¹³⁹ *See e.g.* [REDACTED].

¹⁴⁰ [REDACTED].

¹⁴¹ Decision on the Remainder of Prosecution Motion for Admission of Evidence of Witnesses W02135, W04295, W04372, W04590, W04600, W04737, W01158, W01605, W04240, W04278, W04352, W04366, and W04427 Pursuant to Rule 154 (F02450 and F02460), KSC-BC-2020-06/F02571, 13 September 2024, Confidential ('W02135 Rule 154 Decision').

¹⁴² *See* Annex 7, item 6: 123937-123940.

¹⁴³ The Rule 154 Statement consists of the witness's SPO Statement (*see* Annex 6, item 3: 087342-087360 ('SPO Statement')) and a statement in a 2016 domestic court case (*see* Annex 6, item 1: SPOE00000681-SPOE00000696 ('2016 Statement')) (collectively, 'Rule 154 Statement').

¹⁴⁴ The two other prior statements tendered as part of his Rule 155 Statement consist of W02135's testimony in the same 2016 domestic court case (*see* Annex 6, item 2: 121483-121658 ('2016 Testimony')) and the SPO preparation note (*see* Annex 6, item 4: 122805-122808 ('SPO Preparation Note')).

¹⁴⁵ W02135 Rule 154 Decision, KSC-BC-2020-06/F02571, paras 16-18. *See, inter alia*, Indictment, KSC-BC-2020-06/F00999/A01, paras 16-61, 96-98, 137-138, 175; Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, paras 11-21, 63-266, 584-592.

crimes allegedly committed by KLA members; (iv) alleged detention centres; and (v) the Kosovo Protection Corps and the Kosovo Police Service.¹⁴⁶

32. *Authenticity and reliability.* The Proposed Evidence, with an individualised explanation of the circumstances supporting *prima facie* reliability, is listed in Confidential Annex 6. W02135's Proposed Evidence is comprised of W02135's SPO Statement,¹⁴⁷ his 2016 Statement,¹⁴⁸ his 2016 Testimony,¹⁴⁹ and his SPO Preparation Note.¹⁵⁰ The Panel has already found that W02135's SPO Statement and 2016 Statement are *prima facie* authentic and reliable.¹⁵¹

33. The 2016 Testimony and SPO Preparation Note are also *prima* authentic and reliable. The 2016 Testimony was recorded in a verbatim transcript containing details such as the date, time, and place, as well as the persons present.¹⁵² W02135 confirmed his previous 2016 Statement during the 2016 Testimony.¹⁵³ Moreover, the SPO Preparation Note is documented in the SPO official template and includes details such as the date time of the meeting, as well as the identities of those in attendance.¹⁵⁴ The SPO Preparation Note was read back to W02135, who confirmed its accuracy and truthfulness,¹⁵⁵ as well as the truthfulness and accuracy of his SPO Statement and 2016 Statement.¹⁵⁶

¹⁴⁶ W02135 Rule 154 Decision, KSC-BC-2020-06/F02571, para.16.

¹⁴⁷ Annex 6, item 3: 087342-087360.

¹⁴⁸ Annex 6, item 1: SPOE00000681-SPOE00000696.

¹⁴⁹ Annex 6, item 2: 121483-121658.

¹⁵⁰ Annex 6, item 4: 122805-122808. This item was disclosed on 19 September 2024 in Disclosure Package 1402 pursuant to Rule 102(1)(b).

¹⁵¹ W02135 Rule 154 Decision, KSC-BC-2020-06/F02571, para.17.

¹⁵² 121483-121658, p.121483.

¹⁵³ 121483-121658, p.121575.

¹⁵⁴ 122805-122808, para.2.

¹⁵⁵ 122805-122808, para.13.

¹⁵⁶ 122805-122808, para.3.

34. The different parts of the Rule 155 Statement corroborate, complement, and clarify one another and should all be admitted to enable a proper, holistic assessment at the conclusion of the trial.

35. *Associated Exhibits*. The Panel has already found that the exhibits associated with the Rule 154 Statement¹⁵⁷ are an indispensable and inseparable part thereof, relevant, and *prima facie* authentic, and have probative value which was not outweighed by their prejudicial effect.¹⁵⁸ In relation to three exhibits associated with the Rule 154 Statement,¹⁵⁹ the Panel referred to the Defence's ability to cross-examine W02135 on their contents and his knowledge of them.¹⁶⁰ However, the Defence had and will have the opportunity to cross-examine other witnesses in a position to testify about these items and their contents.¹⁶¹ In any event, the absence of corroboration or the opportunity to cross-examine a witness on associated exhibits does not bar their admission pursuant to Rule 155, being instead factors relevant to weight,¹⁶² particularly where, as here, a Rule 155 Statement would be incomprehensible or have lesser probative value without it.

¹⁵⁷ Namely those shown to W02135 during his SPO Statement and 2016 Statement: 078199-078204; SPOE00215009-SPOE00215012; SPOE00000425-00000431; SPOE00215089- SPOE00215094; SPOE00215095-SPOE00215100; SPOE00000057-00000058; SITF00412570-00412582; SPOE00212616-SPOE00212616; SPOE00212620-SPOE00212620; SPOE00212674-SPOE00212674; SITF40000700-40000702; SITF00011523-00011528.

¹⁵⁸ W02135 Rule 154 Decision, KSC-BC-2020-06/F02571, para.27.

¹⁵⁹ SITF40000700-40000702, SPOE00212674-SPOE00212674, SITF00011523-00011528.

¹⁶⁰ W02135 Rule 154 Decision, KSC-BC-2020-06/F02571, paras 22, 24, 26.

¹⁶¹ W02161, [REDACTED]. *See also* W04868, W02540.

¹⁶² Decision on Prosecution Second Motion for Admission of Evidence pursuant to Rule 155, KSC-BC-2020-06/F01864, 17 October 2023, Confidential, paras 83, 92; Decision on Prosecution Third Motion for Admission of Evidence pursuant to Rule 155, KSC-BC-2020-06/F02013, 15 December 2023, paras 13, 27, 51, 55; Decision on the Specialist Prosecutor's motion for admission of evidence pursuant to Rule 155 of the Rules, KSC-BC-2020-04/F00562, 4 July 2023, para.13. *See also* Decision on Prosecution Fourth Motion for Admission of Evidence pursuant to Rule 155, KSC-BC-2020-06/F02283, 3 May 2024 ('Fourth Rule 155 Decision'), para.54.

36. The additional associated exhibits being tendered are items discussed in W02135's SPO Preparation Note,¹⁶³ and should likewise be admitted because they are used and explained in W02135's evidence. Without them, the SPO Preparation Note would be incomprehensible or have lesser probative value. The associated exhibits are an inseparable and indispensable part of the Proposed Evidence.

37. *Fairness.* The probative value of the Proposed Evidence is not outweighed by any prejudice. W02135's Proposed Evidence (i) may not be relied upon to a sole or decisive extent in reaching a conviction; and (ii) is consistent with, corroborated by, and/or complementary to adjudicated facts¹⁶⁴ and other testimonial and documentary evidence,¹⁶⁵ including witnesses that have been or will be available for cross-examination by the Defence.¹⁶⁶ Further, the Defence is aware of the witness's identity, may investigate the witness, his motives and credibility, and has the opportunity to challenge the Proposed Evidence at trial and put forward its own version of events.

38. W02135's Proposed Evidence going to the acts and conduct of the Accused¹⁶⁷ does not bar its admission pursuant to Rule 155.¹⁶⁸ Rather, it is only a factor, among others, to be considered by the Panel when exercising its discretion to admit evidence. If aspects of the offered evidence cannot be fairly tested at trial, this should be accounted for when the Panel evaluates the weight and probative value of the

¹⁶³ Namely, SPOE00215024-SPOE00215028; SITF00194648-00194652; SITF00194707-00194710; SITF00194887-00194891; SITF00194869-00194873; SPOE00212586-00212692, p.SPOE00212681-SPOE00212682; SPOE00217519-SPOE00217918, pp.SPOE00217544-SPOE00217545; 020723-020725; SITF00194688-00194691.

¹⁶⁴ See e.g. KSC-BC-2020-06/F01534/A01, Facts 135-139.

¹⁶⁵ See e.g. 1D00078; 1D00212; 1D00211; P00755; P01227; P01229; P01444; P01264_ET, pp.SPOE00128929, SPOE00128944; P00742.12, pp.2-3, 10; P01066, paras 96-99; Transcript, KSC-BC-2020-06, 27 March 2024, pp.13826-13827, 13939; P00742.11_ET, pp.8-10; P00760, pp.076613-076614.

¹⁶⁶ See e.g. W04410 (T.16754), W03881 (T.15639), W04147 (T.13827), W02161 (T.10831, 10884-10885), W01453 (T.22137), W04408 (T.7415); W04746 (T.5756); W02144 (T.16188-16189); W02183.

¹⁶⁷ See e.g. 087342-087360, SPO Statement, paras 36-40, 42-46, 51-52, 60, 63-65; SPOE00000681-SPOE00000696, 2016 Statement, para.33.

¹⁶⁸ Fourth Rule 155 Decision, KSC-BC-2020-06/F02283, paras 14, 66.

Proposed Evidence.¹⁶⁹ Notwithstanding the Defence's inability to cross-examine W02135,¹⁷⁰ the Defence has had the opportunity to question other witnesses on topics covered by W02135's evidence, including on matters related to the acts and conduct of the Accused.¹⁷¹ Moreover, W02135's evidence as KFOR Commander makes it particularly relevant for the topics it covers, and should be available to the Panel for its final, holistic assessment of the evidence; together with the other factors outlined above, this outweighs any prejudicial effect that might result from its admission.

39. *Request to amend the exhibit list.* Pursuant to Article 40 and Rule 118(2), the SPO seeks addition of the 2016 Testimony,¹⁷² which forms part of W02135's Proposed Evidence, to the exhibit list. There is good cause for amendment at this stage and the potential prejudice to the Defence, if any, is very limited. The 2016 Testimony was not previously added to the Exhibit List because W02135 was initially expected to testify pursuant to Rule 154 and the SPO intended to elicit relevant evidence from W02135 in its supplemental questioning.¹⁷³ The 2016 Testimony was disclosed in June 2024,¹⁷⁴ is cumulative of and supplementary to the witness's other statements, and concerns a witness known to the Defence since 2021. Adding the 2016 Testimony to the Exhibit List, thereby permitting its tender and, as appropriate, admission under Rule 155, would permit a holistic and complete assessment of W02135's Proposed Evidence. Therefore, the requested exhibit list amendment is justified.

III. CLASSIFICATION

40. This motion and the Annexes are confidential pursuant to Rule 82(4) and for the protection of other witnesses with protective measures or whose identities are not public at this time.

¹⁶⁹ Fourth Rule 155 Decision, KSC-BC-2020-06/F02283, para.51.

¹⁷⁰ See Fourth Rule 155 Decision, KSC-BC-2020-06/F02283, paras 51-52.

¹⁷¹ See e.g. fn.166 above.

¹⁷² 121483-121658.

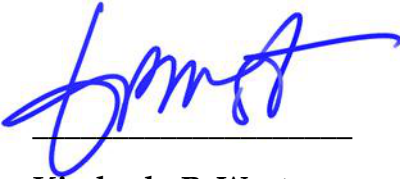
¹⁷³ See e.g. 121483-121658, para.4.

¹⁷⁴ Disclosure Package 1303.

IV. RELIEF REQUESTED

41. For the foregoing reasons, the SPO requests that the Trial Panel (i) authorise the addition of W02135's 2016 Testimony to the exhibit list; and (ii) admit the Proposed Evidence of the Rule 155 Witnesses as identified above and in Annexes 1-6.

Word Count: 6,082



Kimberly P. West

Specialist Prosecutor

Friday, 13 December 2024

At The Hague, the Netherlands.